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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                           |   |  |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, | ) | No. CR 06-00621-JW                         |
|                           | ) |  |
| Plaintiff,                | ) | <b>STIPULATION AND <del>PROPOSED</del></b> |
|                           | ) | <b>ORDER TO EXCLUDE TIME</b>               |
| vs.                       | ) | <b>PURSUANT TO SPEEDY TRIAL ACT</b>        |
|                           | ) |  |
| SEAN RIGSBY,              | ) | <b><u>The Honorable James Ware</u></b>     |
|                           | ) |  |
| Defendant.                | ) |  |

Assistant United States Attorney Jeffrey Nedrow and defendant, Sean Rigsby, through his counsel, Mary Conn, Esq., stipulate and agree that time shall be excluded from the date of the Court's signing of this order through November 27, 2006 pursuant to 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv), the Speedy Trial Act, in that the ends of justice served by the continuance requested outweigh the best interest of the defendant and public in a speedy trial because the failure to grant such a continuance would deny the defense the time necessary for effective preparation, taking into account the exercise of due diligence.

The parties stipulate and request that the Court find the following as a factual basis for excluding the time pursuant to the Speedy Trial Act:

1 1) As noted by defense counsel in the stipulation and order signed by this Court on  
2 October 18, 2006, counsel for defendant Rigsby is unavailable on October 30, 2006 and for some  
3 time thereafter. An exclusion of time is therefore necessary to ensure continuity of counsel.

4 2) In addition, the government is in the process of preparing and providing discovery in  
5 this case. An exclusion of time is necessary to afford the government time to complete the  
6 discovery process and to permit the defense to adequately assess the discovery and make  
7 informed decisions regarding a pretrial disposition or possible trial in this case.

8 3) The government further intends to provide the defense with information regarding a  
9 possible disposition prior to the November 27, 2006 status date, and to engage in those  
10 discussions prior to November 27, 2006.

11 4) In light of these facts, the parties agree that the time between the date of the Court's  
12 signing of this order and November 27, 2006 shall be excludable from the Speedy Trial Act  
13 requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States  
14 Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the time is  
15 excludable in that the ends of justice served by granting this continuance outweigh the best  
16 interests of the public and the defendant in an earlier trial specifically based on the need for  
17 defense counsel to have adequate time to receive and evaluate the discovery in this case and to  
18 make informed decisions regarding the discovery. In addition, defense counsel's unavailability  
19 on October 30, 2006 and for some time thereafter separately supports an exclusion of time to  
20 ensure continuity of counsel. For these reasons, the parties agree that a continuance is necessary  
21 to ensure that counsel is available and prepared to make informed decisions regarding the case,  
22 and denial of such a continuance would unreasonably deny the defendant effective case  
23 preparation pursuant to 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

10/23/06

DATE

KEVIN V. RYAN  
United States Attorney

/s/  
JEFFREY D. NEDROW  
Assistant United States Attorney

10/23/06

DATE

/s/  
MARY E. CONN  
Attorney for Sean Rigsby

## UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SEAN RIGSBY, )  
 )  
 Defendant. )


NO. CR 06-00621-JW

ORDER EXCLUDING TIME  
PURSUANT TO SPEEDY TRIAL ACT

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY ORDERED that the time from the date of the Court's signing of this order to November 27, 2006 is excluded from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial specifically based on the need for defense counsel to have adequate time to receive and evaluate the discovery in this case and to make informed decisions regarding the discovery. In addition, defense counsel's unavailability on October 30, 2006 and for some time thereafter separately supports an exclusion of time to ensure continuity of counsel. For these reasons, the parties agree that a continuance is necessary to ensure that counsel is

1 available and prepared to make informed decisions regarding the case, and denial of such a  
2 continuance would unreasonably deny the defendant continuity of counsel and adequate time for  
3 effective case preparation pursuant to 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

4  
5  
6 DATE: 10/25/2006

  
JAMES WARE  
UNITED STATES DISTRICT JUDGE